

JPW

Atty. Dkt. No 029318-0497



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rajeev A. JAIN *et al.*
Title: CONTROLLED RELEASE NANOPARTICULATE
COMPOSITIONS
Appl. No.: 09/337,675
Filing Date: 06/22/1999
Examiner: Susan T. Tran
Art Unit: 1615
Confirmation Number: 9275

**SUPPLEMENT TO PETITION FOR CORRECTION OF INVENTORSHIP UNDER
37 C.F.R. § 1.48(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants seek to supplement the petition to amend inventorship of the present application under 37 C.F.R. § 1.48(a), filed on July 3, 2008. With that petition, Applicants had also filed a petition under 37 CFR § 1.183, requesting waiver of the requirement under 37 CFR § 1.64, because inventors Kenneth Iain Cumming and Maurice Clancy could not be found despite diligent search. Because Applicants have now received the executed declaration of Maurice Clancy, we seek to supplement the July 3 petition.

The following documents are enclosed:

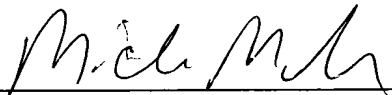
1. Signed Declaration of Maurice Clancy; and
2. A Supplemental Application Data Sheet showing Mr. Clancy's current address.

Applicants believe that no fee is due for this supplement to the petition. However, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: July 17, 2008

FOLEY & LARDNER LLP
Customer Number: 31049
Telephone: (202) 672-5538
Facsimile: (202) 672-5399

By  _____

Michele M. Simkin
Attorney for Applicants
Registration No. 34,717



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

CONTROLLED RELEASE NANOPARTICULATE COMPOSITIONS

(Attorney Docket No. 029318-0497)

the specification of which (check one)

 is attached hereto.

 X was filed on 06/22/1999 as United States Application Number or PCT International Application Number 09/337,675 and was amended on (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with

which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number
09/164,351		10/01/1998	

--	--	--	--

I HEREBY APPOINT the registered attorneys and agents at Customer Number

31049

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Michele M. Simkin
FOLEY & LARDNER LLP
Customer Number: 31049

Telephone: (202) 672-5538
Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Jon Swanson
Residence	North Wales, PA
Citizenship	US
Post Office Address	154 Tudor Drive North Wales, PA 19454
Inventor's signature	
Date	

Name of second inventor	Rajeev A. Jain
Residence	Farmingham, MA
Citizenship	India
Post Office Address	14 Olympic Street Farmingham, MA 01701
Inventor's signature	
Date	

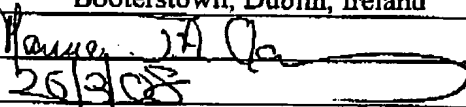
Name of third inventor	Robert Hontz
Residence	Newtown Square, PA
Citizenship	US
Post Office Address	3513 Lewis Road Newtown Square, PA 19073
Inventor's signature	
Date	

Name of fourth inventor	John G. Devane
Residence	Athlone, Ireland
Citizenship	Ireland
Post Office Address	Barrymore, County Meath Athlone, Ireland
Inventor's signature	
Date	

Name of fifth inventor	Kenneth Iain Cumming
Residence	Dublin, Ireland
Citizenship	Ireland
Post Office Address	46 Old Cabra Road Phibsboro, Dublin, Ireland
Inventor's signature	
Date	

(2) of (2)

Atty. Dkt. No. 029318-0497

Name of sixth inventor	Maurice Joseph Anthony Clancy
Residence	Dublin, Ireland
Citizenship	Ireland
Post Office Address	92 Fosterbrook Booterstown, Dublin, Ireland
Inventor's signature	
Date	26/3/08
Name of seventh inventor	Janet Elizabeth Codd
Residence	Athlone, Ireland
Citizenship	Ireland
Post Office Address	13 Priory Park Athlone, County Westmeath Ireland
Inventor's signature	
Date	
Name of eighth inventor	Gary Liversidge
Residence	Westchester, PA
Citizenship	US
Post Office Address	258 Colwyn Terrace Westchester, PA 19380
Inventor's signature	
Date	

Supplemental Application Data Sheet



Application Information

Application number::	09/337,675
Filing Date::	06/22/1999
Application Type::	Regular
Subject Matter::	Utility
Suggested classification::	
Suggested Group Art Unit::	1615
CD-ROM or CD-R?::	None
Computer Readable Form (CRF)?::	No
Title::	CONTROLLED RELEASE NANOPARTICULATE COMPOSITIONS
Attorney Docket Number::	029318-0497
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	1
Total Drawing Sheets::	12
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	Jon
Family Name::	Swanson
City of Residence::	North Wales
State of Residence::	PA

Street of mailing address:: 154 Tudor Drive
North Wales, PA 19454

Applicant Authority Type:: Inventor
Primary Citizenship Country:: India
Status:: Full Capacity

Given Name:: Rajeev A.
Family Name:: Jain
City of Residence:: Farmingham

State of Residence:: MA
Street of mailing address:: 14 Olympic Street
Farmingham, MA 01701

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Robert
Family Name:: Hontz
City of Residence:: Newton Square
State of Residence:: PA
Street of mailing address:: 3513 Lewis Road
Newton Square, PA 19073

Applicant Authority Type:: Inventor
Primary Citizenship Country:: Ireland
Status:: Full Capacity
Given Name:: John G.
Family Name:: Devane
City of Residence:: Athlone
Country of Residence:: Ireland
Street of mailing address:: Barrymore, County Meath
Athlone, Ireland

Applicant Authority Type:: Inventor

Primary Citizenship Country:: Ireland
Status:: Full Capacity
Given Name:: Kenneth Iain
Family Name:: Cumming
City of Residence:: Dublin
Country of Residence:: Ireland
Street of mailing address:: 46 Old Cabra Road
Phibsboro, Dublin, Ireland

Applicant Authority Type:: Inventor
Primary Citizenship Country:: Ireland
Status:: Full Capacity
Given Name:: Maurice Joseph Anthony
Family Name:: Clancy
City of Residence:: Dublin
Country of Residence:: Ireland
Street of mailing address:: 92-Fosterbrook-11 Abbeycourt, Abbeyfarm,
Clane Road, Celbridge
CO Kildare
Republic of Ireland

Applicant Authority Type:: Inventor
Primary Citizenship Country:: Ireland
Status:: Full Capacity
Given Name:: Janet Elizabeth
Family Name:: Codd
City of Residence:: Murrintown
Country of Residence:: Ireland
Street of mailing address:: Redshire Road
Murrintown, Wexford, Ireland

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity

Given Name:: Gary
Family Name:: Liversidge
City of Residence:: Westchester
State of Residence:: PA
Street of mailing address:: 258 Colwyn Terrace
Westchester, PA 19380

Correspondence Information

Correspondence Customer Number:: 31049
E-Mail address:: PTOMailWashington@foley.com

Representative Information

Representative Customer Number::	22428	
---	-------	--

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation in part of	09/164,351	10/01/1998

Foreign Priority Information

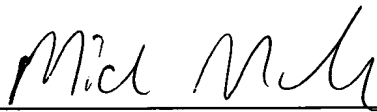
Country::	Application number::	Filing Date::	Priority Claimed::

Assignee Information

Assignee Name::

Elan Pharma International Limited

Respectfully Submitted,



Michele M. Simkin

Attorney for Applicant, Registration No. 34,717